IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

Crl.MC.No. 2048 of 2007()

[CRIME NO.451 OF 2006 OF EZHUKONE POLICE STATION]

PETITIONER: ACCUSED:

ROHINI DAS, SAHAJAPURA, S.N.PURAM,
PAVITHRESWARAM, KOLLAM.

BY ADV. SRI.S.RAJEEV

RESPONDENTS: COMPLAINANTS:

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1. STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.
(CRIME NO.451 OF 2006 OF EZHUKONE POLICE STATION).

2. CIRCLE INSPECTOR OF POLICE,
KOTTARAKKARA POLICE STATION.

3. SUPERINTENDENT OF POLICE,
KOLLAM DISTRICT.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 25/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.2048 of 2007

Dated this the 25th day of July, 2007

O R D E R

The short grievance of the petitioner is that a complaint filed by his wife before the police is not being properly investigated. The petitioner has raised a further contention that the signature of the wife of the petitioner was obtained in certain blank forms by the Investigating Officer.

2. The learned Public Prosecutor after taking instructions submits that the investigation is already complete. A negative final report has already been filed. Notice of such filing of final report has been given by the police to the wife of the petitioner/defacto complainant. It is for the defacto complainant now to appear before the learned Magistrate and raise objections, if any, against the final report.

3. I find merit in the objections raised by the learned Public Prosecutor. The petitioner's wife/the defacto complainant can appear before the learned Magistrate and raise all contentions about the inadequacy of the investigation and the alleged improper service of the notice of reference. The learned Magistrate, it is now trite, has to ensure that notice is given by the court to the defacto complainant before any refer report is accepted. The petitioner/his wife need not

wait to receive such notice. The petitioner/his wife shall be at liberty to appear before the learned Magistrate and raise whatever objections he has against acceptance of the refer report.

This Crl.M.C is dismissed with the above observations.

(R.BASANT, JUDGE)

rtr/-